IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13592 of 2004

Between:

1 Alapati Neelima, D/o. Rama Krishna, Aged 23 years, Student,
R/o. Govada Village, Amrathalur Mandal, Guntur District.
2 Alapati Bhargavi, D/o. Radhakrishna, Aged 22 years, Student,
R/o. Govada Village, Amrathalur Mandal, Guntur District.
3 Smt. Divi Sailajakumari, W/o. D. Mohan, Aged 47 years,
R/o. 10th Ward, Kandukur, Prakasam District.

..... PETITIONERS

AND

1 District Collector, Ranga Reddy District.
2 Asst. Director of Survey & Land Records, R.R. District.
3 The Mandal Revenue Officer, Serilingampalli, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or Direction more in the nature of Writ of Mandamus declaring the proceedings Vide Order No. RCA 3/1313/2004, dated 06-07-2004 kept the panchanama report of demarcation S. Nos. 88 & 89 under abeyance issued by 2nd Respondent i.e., Assistant Director, Survey and Land Records, R.R. District as illegal and unenforceable under the law and consequently setting aside the same above proceedings.

Counsel for the Petitioners :MR.MADALA NARASINGA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners herein purchased land from one Johnson. The sale deed was executed by the General Power of Attorney Holder of Johnson. They approached the Authorities for conducting a survey of the land for its demarcation. The Inspector of Survey conducted such survey and recorded the findings in a Panchanama dated 24.6.2004. The second respondent herein by impugned communication dated 6.7.2004 addressed to one of the G.P.A. Holders, who executed the sale deed in favour of the petitioners informing that the Panchanama dated 24.6.2004 has been kept in abeyance. A reading of the impugned order/proceedings dated 6.7.2004 would show that the Government land in Survey No.26 is adjacent to land in Survey Nos.88 and 89 of Serilingampally village and that the Mandal Revenue Officer by communication dated 3.7.2004 brought to the notice of the second respondent that Inspector of Survey did not inform the date of survey as the Government is interested to safeguard the land in question. For these reasons, the third respondent while deciding to conduct survey and record panchanama only kept the earlier panchanama in abeyance.

As on today, the title of the petitioners depends on the sale deed executed by N. Johnson represented by its G.P.A. Holder on 17.4.2004. So far nobody has denied or disputed the right of the petitioners under sale deed. The panchanama dated 24.6.2004 does not by itself confer any right or title except recording that the Inspector of Survey has measured the land in Survey Nos.88 and 89, as per the tippans and the village map and fixed the boundaries. Therefore, even if panchanama is kept in abeyance, the petitioners' right is not affected in any manner. In the absence of any such situation, this writ petition cannot be entertained. Further, it is brought to my notice that pursuant to the impugned order, the Inspector of Survey conducted fresh survey on 21.7.2004 and furnished a copy of the Panchanama dated 22.07.2004 to the second petitioner. Even this panchanama does not in any manner result in nullifying the sale deed in favour of the petitioners. If the Government claims the land, which is in possession of the petitioners, the Government has to take appropriate action but panchanama as such does not confer any right to the Government.

The writ petition, with the above observations, is dismissed.

_____

Date : AUGUST 04, 2004. V.V.S. RAO, J

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 District Collector, Ranga Reddy District.
2 Asst. Director of Survey & Land Records, R.R. District.
3 The Mandal Revenue Officer, Serilingampalli, R.R. District.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5 Two CD copies.